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TESTIMONY OF
REPRESENTATIVE ELISSA WRIGHT
STATE REPRESENTATIVE, 41ST DISTRICT

*Proposed H.B. No.5903, AN ACT CONCERNING THE RESOLUTION OF A TIE VOTE
BETWEEN CANDIDATES IN A PRIMARY FOR STATE OR DISTRICT OFFICE*

*Government Administration and Elections Committee Public Hearing
February 22, 2013*

Senator Musto, Representative Jutila, members of the Government Administration and Elections Committee, thank you for the opportunity to testify in support of *H.B. No.5903, AN ACT CONCERNING THE RESOLUTION OF A TIE VOTE BETWEEN CANDIDATES IN A PRIMARY FOR STATE OR DISTRICT OFFICE*.

The purpose of this bill amending General Statutes § 9-446 (Tie vote) is to clarify that in the event of a tie vote in a primary, the winner of the primary shall be determined in a run-off primary at which only the top vote recipients whose votes are equal shall appear on the ballot and be voted on.

On August 8, 2006, I was involved in a three-way primary to determine the Democratic nominee for State Representative in the 41st Assembly District. Following a mandatory re-canvass pursuant to Section 9-445 of the General Statutes, a two-way tie was determined to exist. Out of a total of 1,322 votes cast, another candidate and I each received 457 votes.

The law governing primaries at that time required that in the event of a tie vote, the secretary of the state or registrar of voters, depending on the office, chose the winner of the primary by drawing lots. In my case, which was the first (and only) known test of that law's effectiveness, the registrar of voters determined the nominee of the Democratic Party by flipping a coin to decide between the two candidates who had polled an equal number of votes in the primary. The non-tied candidate was excluded from the lottery.

In response to the coin toss procedure used to dissolve that tied primary, Public Act No. 07-194, *An Act Concerning the Integrity and Security of the Voting Process* (§ 46), amended Section 9-446 of the General Statutes to eliminate a coin toss or any other form of chance to determine the winner of a primary when the number of votes received by candidates results in a tie. That law established the current procedure for resolving a tie vote in a primary held to nominate candidates for state, district, or municipal office,¹ providing consistency of procedures used to resolve tie votes in both elections and primaries, minimizing the role of chance in the selection of party nominees, and reaffirming the fundamental principle that every vote counts.²

The Office of Legislative Research in its Summary for Public Act No. 07-194 stated: "Under the act, the primary stands adjourned and a run-off primary between the candidates or slates of candidates who tied is held three weeks later."

As a proponent of the 2007 reform deleting the former provision regarding dissolving tie votes by lot, I believe it was the intent of the legislature to provide that in the event of a tie, the holding of an adjourned primary would be between, or among, the candidates who tied and at which only the top tied vote recipients shall appear on the ballot. Other candidates having received a lesser number of votes would be excluded from the run-off primary.

Thank you very much for the opportunity to be heard on this issue today. I welcome any questions and comments that you might have.

¹ District office pertains where boundaries extend beyond that of a single town. State Senators and State Representatives are included in the definition of municipal office where the senatorial or assembly district is comprised of a single town or a part thereof. General Statutes § 9-372 (3) (4) and (7).

² If the adjourned run-off primary results in a tie, the secretary of the state or the registrar of voters, depending on the office, must chose the nominee by drawing lots, following the procedure under prior law for resolving a tied primary.